

**Centerville Township Planning Commission  
Regular Meeting  
Centerville Township Hall  
December 5, 2022**

**Call to Order:** Tim Johnson, Chair, called the meeting to order at 6:30 PM.

**Attendance:** Present: Tim Johnson, Joe Mosher, Dan Hubbell, Lindy Kellogg. Absent: Jamie Damm. Staff Present: Recording Secretary Dana Boomer

**Public Comment:** None

**Agenda:** The PC reviewed the agenda. **Motion to approve agenda as presented by Hubbell, second by Mosher. All in favor, motion carried.**

**Conflict of Interest:** None

**Revise/Approve Minutes:**

The PC reviewed the draft minutes of the November 7, 2022 regular meeting. **Motion to approve the November 7, 2022 regular meeting minutes as presented by Kellogg, second by Mosher. All in favor, motion carried.**

**Report from Township Board Representative:** Hubbell had nothing to report from the previous Township Board meetings.

**Report from ZBA Representative:** Boomer reported that Chris Bzdok and his team have been working to put together the official record for the ZBA public hearing and meetings in December. The link to that record is available on the website under the December 7 meeting.

**Report from Zoning Administrator:** Cypher had previously distributed his reports for November 2022. The PC briefly discussed.

**Zoning/Planning Issues:**

**Planning Consultant** – Chris Grobbel was present as the proposed Planning Consultant. He presented a background of himself and his firm, Grobbel Environmental & Planning Associates, and their history in land use and planning. He is the planner of record for 14 communities in Michigan, as well as working with a number of land trusts and lake associations. He has not been officially confirmed by the Township Board; this is expected to take place at the Board meeting next week.

**Lake Leelanau Lake Association boat wash station** – Nancy Popa stated that the LLLA is proposing to build a boat wash station at the DNR launch on Lake Leelanau in Centerville Township. Cypher has stated that this does not require a Special Use Permit, but does require a site plan review. She inquired as to why this requires a site plan review, and requests that if a site

plan review would be required, that the PC waive that requirement. She provided a hand out to the PC regarding the proposed station and gave a summary of the proposed project. Johnson has been involved in this discussion, as Cypher is no longer involved in site plan review projects, other than to determine that a site plan review is needed.

Johnson does not understand why a site plan review is required. Grobbel asked if Cypher provided citations for why he determined that this needs a site plan review – this determination for whether or not this needs a site plan review lies with the Zoning Administrator, and then to the ZBA if the applicant is aggrieved by the decision. If it is determined that a site plan review is required, the PC can waive many of the conditions for site plan review. Popa stated that this project would be funded by the Grand Traverse Band and maintained by the LLLA, under agreement with the state. Johnson will be working with Grobbel and Cypher to move forward with this determination. Popa thanked the PC and thanked them for their work on the Northgate/Leelanau Pines SPR application.

**Update of Zoning Ordinance** – Written comments from Donald Baty and Carolyn Weed regarding the update of the Zoning Ordinance were submitted (see attached). Grobbel brought a 12-page document with proposed amendments to the Zoning Ordinance, which he developed upon request from Johnson (see attached). Grobbel summarized his method for developing ZO amendment proposals. The majority of his amendment proposal deals with Site Plan Reviews and Special Use Permits, as well as definitions and general language. Much of this has been developed from the Baty comments.

Grobbel specifically drew the attention of the PC to the amended definition of impervious surfaces, and summarized this. He distributed the recently adopted amendment to the Leelanau Township Zoning Ordinance, which made changes to their definitions of impervious surfaces, impervious surface coverage, and setbacks between graded areas and wetlands/surface water. Much of this would relate to RV park creation and expansion, which has been a much-discussed topic nationwide in recent years, as those parks become increasingly common. He has proposed adding or substantially expanding the definitions for recreational unit, recreational vehicle, and stream. Substantial changes are proposed to the definitions of campground and special land uses permitted by special approval – Grobbel summarized his proposed amendments. Grobbel and the PC discussed the distinction between a campground and a RV park. Grobbel summarized his proposed changes to Section 4.4, Schedule of Zoning Regulations, including changes to setbacks and a new footnote regarding the calculation of lot coverage. The PC and Grobbel then moved to a discussion of the proposed changes to Article VI, Commercial Resort, and proposed changes to Article XIII, Procedures for Site Plan Review. A substantial expansion has been made to the language regarding the administrative review of the site plan application by both the Zoning Administrator and the Planning Commission, with the removal of language regarding specific timelines.

Grobbel stated that this is a document for consideration, and there will likely need to be changes based on discussion amongst the PC, staff, and public. The PC and Grobbel then moved onto a discussion of Special Use Permit process. He is proposing to add a new Article XVIII specifically focused on Special Use Permits, based heavily on the proposal by Mr. Baty and significantly similar to the Leland Township Zoning Ordinance. Grobbel summarized the new

section, and focused on the differences between site plan reviews and special use permit deliberations. Planning Commissions must document and follow their own internal procedures, as those are what are generally challenged in court.

The PC discussed the timing to move amendments to the Zoning Ordinance forward. There is currently no regular meeting planned for January. The PC is concerned about new permit applications coming forward before amendments are made. The PC is requesting the Zoning Administrator makes a new determination as to whether an application is administratively complete each time an amendment is made to the application.

In addition, there are some housekeeping amendments needed to the Zoning Ordinance, but Grobbel would recommend those be in a separate amendment package. Grobbel requested that as PC members find those housekeeping needs, they forward them to Johnson and Grobbel for incorporate in that separate package. The PC determined that communications and questions for Grobbel be run through Johnson, and will be passed on after Grobbel is officially hired by the Township Board.

**Set Next Meeting Date** – There is currently no meeting planned for January, and the next meeting is currently scheduled for February 6, 2023. The PC discussed whether to schedule a special meeting for January 2023; it was determined not to schedule one at this time.

**Public Comment** – None

**Next Meeting Date:** The next regular meeting is scheduled for February 6, 2023.

**Adjournment:** Hubbell moved to adjourn the meeting at 7:44 PM, Mosher seconded. All in favor, motion carried.

Respectfully Submitted,

Dana Boomer  
Recording Secretary

**From:** Carolyn Weed <caryweed1@gmail.com>  
**Sent:** Sunday, December 4, 2022 7:15 PM  
**To:** Tim Johnson > <timjohnson@centurytel.net>  
**Subject:** Re: ZO update

Hi Tim,

I think it is good to update the Ordinance soon, especially many of the items Baty suggests. As I mentioned before, I would add a new article, not just about Special Us Approvals, but instead, make it broader, about Special Land Uses permitted by Special Approval. That would allow the definition to be shortened and all of the long injurious effects Baty lists in definitions could be moved to the article along with submissions, standards and procedures. I also do not agree with the definition of impervious because I know most decks and stone patios are, at best, semi-permeable, not permeable surfaces. Minnesota has provided some interesting material for local jurisdictions concerning permeability and zoning, which is particularly important for waterfront development. Unfortunately, beyond this email I won't be able to have things in writing by the next meeting tomorrow. I can attend if it would be useful. I would be happy to talk with Chris about my review of Baty's proposed amendments.

I am encouraged that the Master Plan, while not the law, can have its vision and goals incorporated into the Ordinance by reference.

Cary

Donald Baty Comments:

**Proposed Amendments to  
the Centerville Township Zoning Ordinance**

1. Add the following to Section 2.1:

H. All references to “includes” or “including” are intended to be read as if followed by the words “without limitation.”

I. Unless the context indicates otherwise, terms defined in this Ordinance have the same meanings whether capitalized or not.

2. Amend Section 2.1. E to read:

The words “shall” and “must” have the same meanings and are always mandatory and not discretionary; the word “may” is permissive.

3. Add the following definitions:

Campground cabin – (i) a hard-sided tent or shelter, of not more than 400 square feet in area, that is on skids or a temporary foundation designed to facilitate relocation from time to time, and that does not have permanent direct connection to a source of water; or (ii) a moveable structure built on a single chassis normally mounted on wheels, whether the wheels are left on or removed from the unit when in use, that has a gross trailer area of not more than 400 square feet in the set-up mode.

Community – includes the residents and landowners in the Township and other properties, persons, entities, or users of areas around the Township or in Leelanau County that are impacted by a particular request, application, decision, or land use.

Existing Special Use – any use that (i) would have required Special Use Approval if it had commenced on or after the effective date of this Ordinance or any predecessor ordinance or amendment, but is permitted because Special Use Approval or the equivalent was not required at the time the particular use was commenced, or (ii) was duly approved according to the terms of this Ordinance or any predecessor ordinance, as amended and in effect at the time the special use was commenced.

General Plan – the Leelanau County General Plan or similar officially adopted document intended to set forth policy guidelines for managing growth in Leelanau County.

Impervious Surface – any hard-surfaced, man-made area that does not readily absorb or allow stormwater to infiltrate into the ground, including buildings, areas under permanent roofs or awnings, or paved athletic or sports courts. Impervious Surfaces do not include

gravel surfaces, wood decks, brick pavers, and other surfaces that are designed to be permeable.

Master Plan – the Centerville Township Master Plan or similar document in effect from time to time and provided for in the Michigan Planning Enabling Act, MCL 125.3801 et seq., as amended.

Recreational Unit – has the meaning given in Part 125 of the Michigan Public Health Code, MCL 333.12501 et seq. governing campgrounds.

Special Use Approval – approval of a Special Land Uses Permitted by Special Approval.

4. Amend the definition of Campground to read:

Campground - a parcel or tract of land under the control of a person which contains 5 or more sites for temporary or seasonal placement of Recreational Units (including sites provided for use with Recreational Units already on them) are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living. The term Campground does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349. For purposes of this Ordinance, an RV park is a campground.

5. Amend the definition of existing definitions Special Land Uses Permitted by Special Approval as indicated (additions in bold and deletions with words indicated with strike throughs):

Special Land Uses Permitted by Special Approval - Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon (i) the primary uses and structures within the zoning district, **(ii) the welfare of adjacent or nearby properties or residents, (iii) the welfare of** ~~and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole,~~ **(iv) natural resources, or (v) the character of the Township.** All proposed **Special Land Uses Permitted by Special Approval** ~~proposed uses shall~~ are subject to a public hearing(s), and the processes, procedures and standards in Article XVIII **and site plan approval under Article XIII.** **Unless the context indicates otherwise, for simplicity in this Ordinance, the term “special use” is intended to have the same meaning as Special Land Uses Permitted by Special Approval.**

6. Amend Section 4.4 to provide minimum setbacks in Commercial Resort, Recreational and Business districts of (i) [125] feet from water's edge, and (ii) [150] feet from the normal high-water mark of any wetland or stream.<sup>1</sup>
7. In Section 4.4, insert a footnote 3 indication after the phrase *Max. Lot Coverage* and add the following as footnote 3:
  - a. For purposes of calculating maximum lot coverage under Section 4.4 in all non-residential districts, the following are treated as structures or items or areas that cover the property: swimming pools, impermeable surfaces, paved and unpaved roads and parking lots, and sewage lagoons or similar water or waste retention basins reasonably expected to contain water or waste for more than 30 days each year.
  - b. For purposes of calculating maximum lot coverage under Section 4.4 in all non-residential districts, permanently submerged lands, wetlands, all rights of way and easements for roads are to be subtracted from the size of the lot and the net lot size is to be used in calculating lot coverage. For example, if a three-acre parcel includes one acre of permanently submerged land or wetlands, for purposes of maximum lot coverage, the lot size is treated as two acres and if structures and other items deemed to cover the land under this Ordinance represent one acre, there would be 50 per cent lot coverage.
  - c. If a campground is a Special Land Uses Permitted by Special Approval in any district and a Special Use Approval is otherwise granted under the terms of this Ordinance, in addition to satisfying the maximum lot coverage, the total number of recreational unit and campground cabin sites must not exceed three times the net lot size (stated in acres) that is used in calculating maximum lot coverage.
8. Amendments to Article XIII.
  - A. Amend section 13.1.A.a to read "All uses requiring Special Use Approval in all districts."
  - B. Although actual language is not being offered because of time constraints, amend section 13.1.C.b to remove firm rules for decisions on site plans and instead include a best-efforts time frame with the Planning Commission having the ability to extend the time frame if needed to adequately review a site plan that requires Special Use Approval. To protect the applicant from delays, unless there are extenuating circumstances, the Planning Commission should be required to work

---

<sup>1</sup> Because of increased human activity in the noted districts, limitations need to be added to protect the natural environment and natural resources. An environmental expert should be consulted to determine the appropriate setbacks.

on its review of a site plan for the majority of the available time at all consecutive regularly scheduled meetings of the Planning Commission after the public hearing and in all cases no less than 1 time each 45 days.

- C. In the first paragraph in Section 13.1.B, add the following after the sentence ending with “submitting it to the Planning Commission.”:

At the first regularly scheduled meeting of the Planning Commission occurring at least 14 days after the Zoning Administrator indicates in writing to the chairman that the site plan appears to be administratively complete, the Planning Commission must review the site plan for completeness and indicate any missing items or information. The applicant may address the Planning Commission if it believes the application is complete, but the Planning Commission is the final arbiter of whether the site plan is administratively complete. If the Planning Commission concludes that a site plan is not complete, the Zoning Administrator must notify the applicant of any deficiencies and if the missing items or information are provided at least [7] days prior to the next regularly scheduled Planning Commission meeting, the Planning Commission must again review the site plan for completeness. This process is to continue until the Planning Commission determines that the site plan is complete. Once the Planning Commission finds that the site plan is complete, the process called for by Section 13.1.D.d (*Preliminary site Plan review*) begins. Unless otherwise permitted by the Planning Commission, any material amendments to a site plan after it is deemed administratively complete must be provided to the Zoning Administrator at least [7] days prior to the meeting at which the site plan will be considered.

9. Add the following as a new Article XVIII (based in significant part on the Leland Township Zoning Ordinance):

## **ARTICLE XVIII SPECIAL USE APPROVALS**

### **Section 18.1 General Provisions**

- A. While all Special Use Approvals are discretionary in nature<sup>2</sup>, the Planning Commission must follow the procedures and apply to guidelines and standards in this Ordinance, including this Article XVIII, in reviewing, evaluating, approving, denying, or conditionally approving any special uses permitted under this Ordinance.
- B. Unless specifically noted otherwise, the regulations and standards contained in this Article for Special Use Approvals are in addition to any other applicable standards or requirements contained elsewhere in this Ordinance, including site plan approval requirements in Section 13.1.G.

---

<sup>2</sup> See MCL 502(2)



- C. Materially expanding, increasing, or changing the size, nature, scope, or usage density of an Existing Special Use require Special Use Approval and are to be evaluated and approved, denied, or conditioned the same as proposals for new special uses. A proposal that calls for changes to an Existing Special Use is not presumed to be appropriate or permitted because there is an Existing Special Use.
- D. If Special Use Approval is required, references in this Ordinance to site plan and site plan deliverables and information include submissions required by this Article XVIII.

### **Section 18.1 Required Submissions for Special Use Approvals**

If an application for Site Plan review includes a use or structure that requires Special Use Approval, in addition to the items that must be delivered or provided under Section 13.1, the application for site plan approval must include a written statement addressing how the proposal meets all criteria and standards in Section 18.2.C below.

### **Section 18.2 General Standards Applicable to All Special Use Approvals**

- A. Special Use Approvals are to be based on an evaluation and determination that the special use complies with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article XIII and applicable supplemental standards for Special Use Approval set forth in this Article XVIII.
- B. To the extent applicable to a proposed special use, all Special Land Uses Permitted by Special Approval must be consistent with and comply with all of the following standards:
  - 1. The special use must not materially injure, prejudice, risk or harm the health, safety, welfare, or social or economic well-being, of (i) those who will use the land use or activity under consideration, (ii) residents and landowners immediately adjacent to the proposed land use or activity, and (iii) the community as a whole.
  - 2. The special use must not materially injure, prejudice, or harm to natural resources or the natural environment, or create a meaningful risk of injury, prejudice or harm to natural resources or the natural environment.
  - 3. The special use must be consistent with, and not prejudice, the general objectives, intent, purposes, and policies expressed in this Ordinance, the Master Plan, and to the extent applicable and not inconsistent with the Master Plan, the General Plan.
  - 4. The proposal for the special use is designed, constructed, operated, and maintained to be consistent, compatible, and appropriate in appearance with the existing adjacent land uses.

5. The special use must not conflict with any Use Permitted by Right in the district.
  6. The special use must not involve any activities, processes, materials, equipment, or conditions of operation that are detrimental or hazardous to persons or property or to health, safety, and welfare of the community.
- D. In determining whether the standards in Section 18.2.C above are satisfied, in addition to any other information or facts deemed relevant to the Planning Commission, consideration may be given to the following as applicable:
1. The hours of operation of the proposed use. Special Use Approval may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
  5. The activities that are normally and customarily conducted on properties within or outside the Township where similar uses exist.
  6. The relation of the character, density, and open space of the surrounding area to density and open space of the proposed project, considering the overall site design, including landscaping and other proposed site amenities.
  7. The existence or lack of trees, shrubs, and other vegetation to preserve scenic views and if applicable, to shield activity on the property from view by users of public roads and waterways.
  8. Traffic generally, the type of traffic (for example, passenger vehicles, commercial vehicles, or recreational vehicles), and traffic noise resulting from any increases or changes in traffic.
  9. Any vibration, smoke, fumes odors, dust, glare, and light resulting from the special use.
  10. Any relevant information brought to the attention of the Planning Commission by the special use applicant or the public, or information otherwise known to members of the Planning Commission and disclosed or stated during a public hearing or meeting of the Planning Commission.

### **18.3 Planning Commission Action**

- A. To the extent of any inconsistencies between the provisions in this Ordinance regarding site plan reviews and approval, the terms of this Section 18.3 govern reviews of site plans that include proposals, applications, or portions thereof that require Special Use Approval.
- B. If the chairman reasonably believes that the attendance at the public hearing will exceed the capacity of the township hall or that the amenities at the township hall are inadequate to allow all interested members of the community to attend and

hear the proceedings, the chairman should use best efforts to arrange for an alternative location for the public hearing.

- C. A purpose of the public hearing on any Special Use Approval is to receive input from the public relevant to the proposed special use and whether the proposed special use meets the discretionary requirements of this Ordinance. The Planning Commission must evaluate the results of the public hearing and may include references to the public comments in its findings.
- D. Speakers at a public hearing must adhere to the procedures established for the hearing. Unless otherwise permitted by the chairman, comments must be addressed to the application under consideration.
- E. If the available time for public comments at the initial public hearing is insufficient to receive comments from all persons desiring to speak, or the Planning Commission reasonably believes it needs additional public input, the chairman must schedule a subsequent public hearing on no less than 10 days' notice; a subsequent public hearing may be combined with a regularly scheduled meeting of the Planning Commission.
- F. Public comments received by the Planning Commission, including written submissions, are proper and relevant considerations for the Planning Commission in reaching its decision and will be part of the record if memorialized in meeting minutes or otherwise made available to the public by posting copies on the County or Township website or handing out copies at public hearings or meetings of the Planning Commission.
- G. Unless otherwise directed by the Zoning Board of Appeals, a court of competent jurisdiction, or the Planning Commission, no application for a Special Use Approval that has been denied wholly or in part by the Planning Commission may be resubmitted until the expiration of one (1) year or more from the date of the denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication requires a new site plan review fee, and the process follows all provisions of this Ordinance as if it is a new application.

10. Clarifications in Article VI.

- A. Clarify the difference between the uses in Section 6.1.B and 6.2.B.
- B. Clarify that the use of the terms *docks* and *boathouses* in Section 6.1.B does not include marinas.

\* \* \* \* \*

*The proposed amendments outlined in this document are solely the preliminary ideas and proposals of Donald Baty. Nothing in this document is intended to (i) constitute a legal opinion as to validity or enforceability of the amendments, if adopted, (ii) reflect the views or proposals of any organization, including the Lake Leelanau Lake Association, or (iii) suggest that the existing Ordinance is deficient in any respect. All proposed amendments are subject to modification or change and will not bind the drafter at any public hearings, meetings, or proceedings.*

DRAFT

Proposed language changes by Chris Grobbel

CENTERVILLE TOWNSHIP  
LEELANAU COUNTY, MICHIGAN  
Centerville Township Zoning Ordinance, as amended.

Note: proposed new language is in **bold** and deletions are indicated with ~~strike through~~.

**Part I: Centerville Township ordains:**

**1) Article 2.1: Rules Applying to the Text is amended to read as follows:**

E. The words “shall” and “must” **have the same meaning and are** is always mandatory and not discretionary; the word “may” is permissive.

H. **All references to “includes” or “including” are intended to be read as if followed by the words “without limitation.”**

I. **Unless the context indicates otherwise, terms defined in this Ordinance have the same meanings whether capitalized or not.**

**2) Article 2.2: Definitions is amended to add the following:**

**Campground cabin** – (i) a hard-sided tent or shelter, of not more than 400 square feet in area, that is on skids or a temporary foundation designed to facilitate relocation from time to time, and that does not have permanent, direct connection to a source of **potable water or sanitary septic services**; or (ii) a moveable structure built on a single chassis normally mounted on wheels, whether the wheels are left on or removed from the unit when in use, that has a gross trailer area of not more than 400 square feet in the set-up mode.

**Community** – includes the residents and landowners in the Township and other properties, persons, entities, or users of areas **in around** the Township or in Leelanau County that **may be** ~~are~~ impacted by a particular request, application, decision, or land use.

**Existing Special Use** – any use that: (i) would have required Special Use Approval if it had commenced on or after the effective date of this Ordinance or any predecessor ordinance or amendment, but is permitted because Special Use Approval or the equivalent was not required at the time the particular use was commenced, or (ii) was duly approved according to the terms of this Ordinance or any predecessor ordinance, as amended and in effect at the time the special use was commenced.

**General Plan** – the Leelanau County General Plan or similar officially adopted document intended to set forth policy guidelines for managing growth in Leelanau County.

**Impervious Surface** – any hard surfaced, man-made area that does not readily absorb or allow stormwater to infiltrate into the ground, including buildings, **structures**, areas under permanent roofs or awnings, **graded surfaces and areas**, or paved athletic or sports courts. Impervious surfaces do not include ~~gravel surfaces~~, wood decks, brick

pavers, and other surfaces that are designed to **absorb or infiltrate precipitation and/or stormwater** ~~be permeable~~.

**Master Plan** – the Centerville Township Master Plan or similar document in effect from time to time and provided for in the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*, as amended.

**Recreational Unit** – a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is selfpowered, as defined by Part 125 of the Michigan Public Health Code, MCL 333.12501 *et seq.*

**Recreational Vehicle** – a new or used vehicle that has its own motive power or is towed by a motor vehicle; is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use; complies with all applicable federal vehicle regulations; and does not require a special highway movement permit to be operated or towed on a street or highway under Section 719a of the Michigan Vehicle Code, P.A. 300 of 1949 as amended. The term includes, but is not limited to, a motor home, travel trailer, park model trailer that does not require a special highway movement permit under Section 719a, or pickup camper.

**Special Use Approval** – approval of a Special Land Uses Permitted by Special Approval.

**Stream** - means a river, stream, or creek which may or may not be serving as a drain as defined by the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water as defined by Section 301 the Inland Lakes and Streams Act of Michigan's NREPA, P.A. 451 of 1994, MCL 324.30101(i).

3) **Article 2.2: Definitions is amended as follows:**

**Campground** - A parcel or tract of land under the control of a person which contains

**5 or more sites for the temporary or seasonal placement of Recreational Units and/or Recreational Vehicles (including sites provided for use with RUs and/or RVs already on them) are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living.** ~~upon which five (5) or more campground sites are located, established or maintained for occupancy by recreational vehicles, tents, or other individual camping units by the general public as temporary living quarters for recreational purposes regardless of whether they are public or private or there are fees.~~ Campgrounds are also regulated by the Michigan Department of Environment, Great Lakes and Energy. The

term “Campground” does not include a seasonal mobile home park licensed under the Michigan Mobile Home Commission Act, 1987 PA 96, MCL 125.2301 *et seq.* For purposes of this Ordinance, a RV park is a “campground.”

**Special Land Uses Permitted by Special Approval** - Special land uses permitted by special approval are uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within the zoning district, but could present potential injurious effects upon: (i) the primary uses and structures within the zoning district, (ii) **the welfare of adjacent or nearby properties or residents including future land uses,** (iii) **the welfare of** and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole, (iv) **natural resources or the environment,** or (v) **the existing character of the Township.** All proposed **Special Land Uses Permitted by Special Approval** proposed uses shall be subject to a public hearing(s), and the processes, procedures and standards in Article XVIII and Site Plan approval under Article XIII of this Ordinance. Unless indicated otherwise, the term “Special Use” is intended to have the same meaning as Special Land Uses Permitted by Special Approval.

4) **Section 4.4: Schedule of Zoning Regulations is amended as follows:**

Zoning District	Setback Requirements for Structures and Buildings from		Maximum Development Building Dimensions - Max Lot Coverage
	Water' Edge	Normal High Water Mark of any inland lake, stream, pond or wetland	Max Lot Coverage (insert footnote 3)
Commercial Resort	40 125 ft	150 ft	25%
Recreational	40 125 ft	150 ft	40%
Business	40 125 ft	150 ft	50%

*Note: compare with PC the 11/22 Leelanau Township Zoning Ordinance No. 1 of 2022.*

Add new Footnote 3 to read as follows:

<sup>3</sup> For purposes of calculating maximum lot coverage under Section 4.4 in all nonresidential districts, the following are treated as **buildings**, structures, or other items or areas that cover the property: swimming pools; imperviousmeable surfaces; paved and unpaved roads and parking lots; **any graded surfaces and areas; stormwater collection, treatment and disposal systems;** and sewage collection, treatment and disposal

~~systems. lagoons or similar waste water or waste retention basins reasonably expected to contain water or waste for more than 30 days each year.~~

- a. For purposes of calculating maximum lot coverage under Section 4.4 in all nonresidential districts, permanently submerged lands, wetlands, all rights of ways and **road and utility** easements, **stormwater systems, septic systems, slopes exceeding 18 percent** ~~for roads~~ are to be subtracted from the size of the lot and the net lot size is to be used in calculating lot coverage. For example, if a three acre parcel includes one acre of permanently submerged land or wetlands, for purposes of maximum lot coverage, the lot size is treated as two acres and if structures and other items deemed to cover the land under this Ordinance represent one acre, there would be 50 percent lot coverage
- b. If a Campground is a Special Land Uses Permitted by Special Approval in any district and a Special Use Approval is otherwise granted under the terms of this Ordinance, in addition to satisfying the maximum lot coverage, the total number of recreational units and campground cabin sites shall not exceed three times the net lot size (as stated in square feet or acres) that is used in calculating maximum lot coverage. *(Recreational Unit density discussion with PC - 2.6x qualifying acres is the regional average for existing RV parks).*

**5) Article VI: Commercial Resort is amended as follows:**

**Section 6.1 Uses Permitted By Right:**

- A. Any use permitted by right in the Residential Districts I, and II, as described under Article V of the Ordinance.
- B. Single ~~or multiple unit~~ dwellings intended for rental with such necessary and customary accessory buildings as automobile and boat storage, utility buildings, recreational facilities, docks, boathouses, and bathing houses, all designed and used primarily to serve the regular tenants of same.

**Section 6.2 Uses Permitted By Special Approval:**

- A. Mobile Home Parks consisting of facilities for the owner/operator, accessory buildings, and permanent or semi-permanent placement of mobile homes for year-around type residents.
- B. Rental cottages with or without housekeeping facilities in groups of two (2) or more, each cottage being a single family dwelling.
- C. Inns, lodges, hotels, motels, campgrounds, and RV parks.
- D. Trailer park.



E. **Marinas, noncommercial and commercial.**

F. Churches and religious institutions.

6) **Article XIII: Procedures for Site Plan Review is amended as follows:**

A. Section 13.1.A.a is amended to read “All ~~Special-Uses~~ **uses requiring Special Use Approval** in all districts.”

B. Section 13.1.B. Application for **Site Plan Review** is amended to read as follows

An application for Site Plan Review shall be submitted to the Zoning Administrator. The detailed site plan presented for consideration shall contain all information required in this Ordinance. The Zoning Administrator shall determine that the Site Plan Application is administratively complete before submitting it to the Planning Commission.

1. **Administrative Review. The Zoning Administrator shall review all site plan applications to certify that it contains all the elements required by this Ordinance.**

a. **Incomplete Submittals. If the site plan application is determined by the Zoning Administrator to be administratively incomplete, the Zoning Administrator shall return the site plan application to the applicant with a checklist of outstanding and/or incomplete items.**

**If the site plan review application is found administratively incomplete by the Planning Commission, no action shall be taken on the site plan until the application is also deemed administratively complete by the Planning Commission. If the Planning Commission concludes that a site plan is not administratively complete, the Zoning Administrator shall notify the applicant of such deficiencies and if the missing items or information are provided at least fourteen (14) days prior to the next regularly scheduled Planning Commission meeting, the Planning Commission shall recommence review the site plan for administrative completeness. This process is to continue until the Planning Commission determines that the site plan is administratively complete. Once the Planning Commission finds that the site plan as submitted is administratively complete, the Preliminary Site Plan Review process shall commence pursuant to Section 13.1.D.d. Unless**

otherwise permitted by the Planning Commission, any material amendments to a site plan after it is deemed administratively complete must be provided to the Zoning Administrator at least fourteen (14) days prior to the Planning Commission meeting at which the site plan will be considered.

- b. **Complete Submittals.** If the site plan is found to be administratively complete by the Planning Commission, the Planning Commission shall commence site plan review at its next regularly scheduled meeting occurring at least fourteen (14) days after such final determination of administrative completeness.

C. Section 13.1.C.b **Site Plan Review and Approval** is amended to read as follows:

All site plans, ~~exclusive of towers,~~ shall be acted upon **in good faith** ~~within ninety (90) days of receipt by the Centerville Township Planning Commission~~ **upon the acceptance of an administratively complete Site Plan Review application** and site plan meeting the requirements in B of this Section. ~~Site plans for towers shall be acted on within 60 days of receipt by the Centerville Township Planning Commission of a complete application and site plan meeting the requirements in B of this Section. This review period may be extended upon written agreement between the applicant and the Planning Commission. Following approval of a site plan and after the twenty one (21) day waiting period for appeals, the petitioner shall apply for the appropriate County and/or State permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.~~

- 7) **Add the following as a new Article XVIII (this version has been suggested by Mr. Baty and based in significant part on the Leland Township Zoning Ordinance):**

## **ARTICLE XVIII SPECIAL USE APPROVALS**

### **Section 18.1 General Provisions**

- A. While all Special Use Approvals are discretionary in nature,<sup>3</sup> the Planning Commission must follow the procedures and apply to guidelines and standards in this Ordinance, including this Article XVIII, in reviewing, evaluating, approving, denying, or conditionally approving any special uses permitted under this Ordinance.
- B. Unless specifically noted otherwise, the regulations and standards contained in this Article for Special Use Approvals are in addition to any other applicable

---

<sup>3</sup> See MCL 502(2)

standards or requirements contained elsewhere in this Ordinance, including site plan approval requirements in Section 13.1.G.

- C. Materially expanding, increasing, or changing the size, nature, scope, or usage density of an Existing Special Use require Special Use Approval and are to be evaluated and approved, denied, or conditioned the same as proposals for new special uses. A proposal that calls for changes to an Existing Special Use is not presumed to be appropriate or permitted because there is an Existing Special Use.
- D. If Special Use Approval is required, references in this Ordinance to site plan and site plan deliverables and information include submissions required by this Article XVIII.

### **Section 18.1 Required Submissions for Special Use Approvals**

If an application for Site Plan review includes a use or structure that requires Special Use Approval, in addition to the items that must be delivered or provided under Section 13.1, the application for site plan approval must include a written statement addressing how the proposal meets all criteria and standards in Section 18.2.C below.

### **Section 18.2 General Standards Applicable to All Special Use Approvals**

- A. Special Use Approvals are to be based on an evaluation and determination that the special use complies with all applicable requirements of this Ordinance, including site plan review criteria set forth in Article XIII and applicable supplemental standards for Special Use Approval set forth in this Article XVIII.
- B. To the extent applicable to a proposed special use, all Special Land Uses Permitted by Special Approval must be consistent with and comply with all of the following standards:
  - 1. The special use will **be compatible with and will** not materially injure, risk or harm the health, safety, welfare, or social or economic well-being, of (i) those who will use the land use or activity under consideration, (ii) residents and landowners immediately adjacent to the proposed land use or activity, and (iii) the community as a whole.
  - 2. The special use must not materially injure or harm to natural resources or the environment, or create a meaningful risk of injury or harm to natural resources or the environment.
  - 3. The special use must be consistent with the general objectives, intent, purposes, and policies expressed in this Ordinance, the Master Plan, and to the extent applicable and not inconsistent with the Master Plan and the General Plan.

4. The proposal for the special use is designed, constructed, operated, and maintained to be consistent, compatible, and appropriate in appearance with the existing **and future** adjacent land uses.
  5. The special use must not conflict with any Use Permitted by Right in the district.
  6. The special use must not involve any activities, processes, materials, equipment, or conditions of operation that are detrimental or hazardous to persons or property or to health, safety, and welfare of the community.
- D. In determining whether the standards in Section 18.2.C above are satisfied, in addition to any other information or facts deemed relevant to the Planning Commission, consideration may be given to the following as applicable:
1. The hours of operation of the proposed use. Special Use Approval may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
  5. The activities that are normally and customarily conducted on properties within or outside the Township where similar uses exist.
  6. The relation of the character, density, and open space of the surrounding area to density and open space of the proposed project, considering the overall site design, including landscaping and other proposed site amenities.
  7. The existence or lack of trees, shrubs, and other vegetation to preserve scenic views and if applicable, to shield activity on the property from view by users of public roads and waterways.
  8. Traffic generally, the type of traffic (for example, passenger vehicles, commercial vehicles, or recreational vehicles), and traffic noise resulting from any increases or changes in traffic.
  9. **The adequacy of screening of adjoining parcels from any noise, vibration, smoke, fumes odors, dust, glare, and light potentially** resulting from the **proposed** special use.
  10. Any relevant information brought to the attention of the Planning Commission by the special use applicant or the public, or information otherwise known to members of the Planning Commission and disclosed or stated during a public hearing or meeting of the Planning Commission.

### 18.3 Impact Statement

An impact statement shall be provided for all site plan reviews addressing the following as applicable:

- 1) A complete description of the proposed development including: site size and location; the number of lots or units proposed; proposed development density; and other factors as requested by the Zoning Administrator or the Planning Commission.
- 2) Expected impact on community services. The impact statement should assess and detail likely impacts on and how these services are to be provided: municipal water, public safety, traffic and other factors as requested by the Zoning Administrator or the Planning Commission.
- 3) Statements relative to the environmental impact of the proposed development. The impact statement should assess and detail likely impacts such as topography/soils, shorelines, wildlife habitat, air quality, water quality (i.e., groundwater and surface water), noise, and the scale of development or other factors as requested by the Zoning Administrator or the Planning Commission.
- 4) Statement relative to the impact of the proposed development on the Township's economy, population and community character.

#### **18.4 Planning Commission Action**

- A. To the extent of any inconsistencies between the provisions in this Ordinance regarding site plan reviews and approval, the terms of this Section 18.3 govern reviews of site plans that include proposals, applications, or portions thereof that require Special Use Approval.
- B. If the chairman reasonably believes that the attendance at the public hearing will exceed the capacity of the township hall or that the amenities at the township hall are inadequate to allow all interested members of the community to attend and hear the proceedings, the chairman should use best efforts to arrange for an alternative location for the public hearing.
- C. A purpose of the public hearing on any Special Use Approval is to receive input from the public relevant to the proposed special use and whether the proposed special use meets the discretionary requirements of this Ordinance. The Planning Commission must evaluate the results of the public hearing and may include references to the public comments in its findings.
- D. Speakers at a public hearing must adhere to the procedures established for the hearing. Unless otherwise permitted by the chairman, comments must be addressed to the application under consideration.
- E. If the available time for public comments at the initial public hearing is insufficient to receive comments from all persons desiring to speak, or the

Planning Commission reasonably believes it needs additional public input, the chairman must schedule a subsequent public hearing on no less than 10 days' notice; a subsequent public hearing may be combined with a regularly scheduled meeting of the Planning Commission.

- F. Public comments received by the Planning Commission, including written submissions, are proper and relevant considerations for the Planning Commission in reaching its decision and will be part of the record if memorialized in meeting minutes or otherwise made available to the public by posting copies on the County or Township website or handing out copies at public hearings or meetings of the Planning Commission.
- G. Unless otherwise directed by the Zoning Board of Appeals, a court of competent jurisdiction, or the Planning Commission, no application for a Special Use Approval that has been denied wholly or in part by the Planning Commission may be resubmitted until the expiration of one (1) year or more from the date of the denial, except on the grounds of newly discovered evidence or proof of changed conditions. A reapplication requires a new site plan review fee, and the process follows all provisions of this Ordinance as if it is a new application.

## **Part II. Severability**

The various parts, sections and clauses of this Zoning Amendment are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Zoning Amendment be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Zoning Amendment.

## **Part III. Conflict and Interpretation**

The standards and provisions of this Zoning Amendment shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Zoning Amendment imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Zoning Amendment shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Zoning Amendment by the Zoning Administrator or designee, the Township Board shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the Zoning Administrator or designee. The concurring vote of a majority of the Centerville Township Board of Trustees shall be necessary to reverse any interpretation of this Zoning Amendment by the Zoning Administrator or designee.

## **Part IV. Savings Clause**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

#### **Part V. Effective Date**

The provisions of this Zoning Amendment are ordered to take effect seven (7) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in Centerville Township.

#### **Part VI. Adoption**

This Zoning Amendment was duly adopted by the Centerville Township Board of Trustees at its regular meeting called and held on the \_\_\_\_ day of \_\_\_\_\_, 2023.

#### **Part VII. Publication**

The Centerville Township Clerk shall cause this Zoning Amendment or summary of this Zoning Amendment to be published in a newspaper of general circulation within Centerville Township within seven (7) days after adoption.

\_\_\_\_\_  
James Schwantes, Supervisor, Centerville Township

\_\_\_\_\_  
Beth Chiles, Clerk, Centerville Township

Adoption date:  
Publication date:  
Effective date:

#### **CERTIFICATION**

I, Beth Chiles, the Clerk for Centerville Township, Leelanau County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Zoning Amendment adopted by the Centerville Township Board of Trustees at a regular meeting held on \_\_\_\_\_, 2023. The following members of the Centerville Township Board of Trustees were present at the meeting:

\_\_\_\_\_  
\_\_\_\_\_.

The Zoning Amendment was adopted by the Centerville Township Board of Trustees with \_\_\_\_ members of the Board voting in favor (\_\_\_\_\_) and \_\_\_\_ voting against (\_\_\_\_\_). A copy of the Zoning Amendment or a summary thereof was published in the Leelanau Enterprise/Traverse City Record Eagle on \_\_\_\_\_.

\_\_\_\_\_

Beth Chiles, Clerk, Centerville Township

DRAFT